

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDON EUGENE HUNTER,
Plaintiff,
v.
JACKOWITZ, et al.,
Defendants.

No. 2:22-cv-01281-DAD-SCR (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION DUE TO PLAINTIFF'S
FAILURE TO COMPLY WITH DISCOVERY
RULES AND THIS COURT'S ORDERS

(Doc. Nos. 31, 41.)

Plaintiff, a state prisoner proceeding *pro se*, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 16, 2024, the assigned magistrate judge issued findings and recommendations which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one (21) days. Therein the magistrate judge recommended that this case be dismissed due to plaintiff's failure to comply with the discovery rules and with court orders. (Doc. No. 41.) Specifically, the magistrate judge concluded:

The history of this case shows that plaintiff has willfully failed to respond to discovery properly propounded by defendants. Defendants have been forced to expend resources and time filing two motions to compel and attending a properly scheduled deposition that

1 plaintiff refused to attend. Considering the five factors set out above,
2 dismissal of this action is appropriate under Rules 37(b) and 37(d).

3 (*Id.* at 6.) Neither party has filed objections to the findings and recommendations and the time in
4 which to do so has passed.

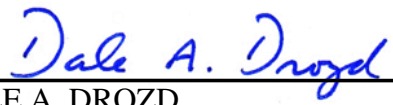
5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
6 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
7 court finds the findings and recommendations to be supported by the record and by proper
8 analysis.

9 Accordingly:

- 10 1. The findings and recommendations (Doc. No. 41) are adopted in full;
- 11 2. This case is dismissed due to plaintiff's failure to comply with the discovery rules and
12 with court orders;
- 13 3. Defendants' motions to compel and for sanctions (Doc. No. 31) are denied as having
14 been rendered moot by this order; and
- 15 4. The Clerk of the Court is directed to close this case.

16 IT IS SO ORDERED.

17 Dated: January 29, 2025

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19 DALE A. DROZD
20 UNITED STATES DISTRICT JUDGE
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